



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Edward Johnson, et al.  
Serial No. 09/762,077  
Filing Date January 30, 2001  
Title: Infrared Radiation Sources, Sensors and Source Combinations, and Methods of Manufacture  
Docket: 56326-032 (IOPL-007)


**CERTIFICATE OF EXPRESS MAILING (37 C.F.R. 1.10)**

"Express Mail" Label Number: EL721018403US

Date of Deposit: August 8, 2001

I certify that this correspondence is being deposited on the date indicated above with the United States Postal Service as "Express Mail, Post Office to Addressee" Service under 37 C.F.R. 1.10, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 8-8-01

By: 

**BOX MISSING PARTS**  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

**PETITION FOR A FOUR-MONTH EXTENSION**  
**OF TIME UNDER 37 C.F.R. §1.136(a)**

RECEIVED  
28 AUG 2001  
Legal Staff  
International Division

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated March 8, 2001, Applicants respectfully petition for an extension of time of four months from April 8, 2001, up to and including August 8, 2001, to file the Response to Notification of Missing Requirements Under 35 U.S.C. 371 in this application. Enclosed is a check in the amount of \$695.00. No additional fees are due. However, the Commissioner is authorized to charge and/or credit Deposit Account No. 50-1133 for any additional fees and/or overpayments.

08/13/2001 HKAYPAGH 00000033 09762077

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695.00 0P

Respectfully submitted,

McDERMOTT, WILL & EMERY

August 8, 2001



Jeffrey J. Miller  
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08-09-01 518 Rec'd PCT/PTO 08 AUG 2001

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Date:

8-8-01

By:

*Jeffrey Miller*

**BOX MISSING PARTS**  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

**RECEIVED**

**28 AUG 2001**

Legal staff

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated March 8, 2001, Applicants enclose:

1. Declaration and Power of Attorney for Patent Application;
2. Petition Under 37 CFR §1.47(a);
3. Petition for a Four-Month Extension of Time;
4. Copy of Declaration of Edward A. Johnson filed in Support of Petition Under 37 CFR §1.47(a);
5. Copy of Notification of Missing Requirements Under 35 U.S.C. 371;
6. Check for \$65.00 (Surcharge for Late Filing of Declaration);
7. Check for \$130.00 (Fee for Petition under 37 CFR §1.47(a));
8. Check for \$695.00 (4 Month Extension of Time); and
9. Acknowledgement Postcard.

No additional fees are due. However, the Commissioner is authorized to charge and or credit Deposit Account No. 50-1133 for any additional fees and/or overpayments.

Repln. Ref: 08/13/2001 HKAYPAGH 0009374200  
DAB:501133 Name/Number:09762077  
FC: 704 \$65.00 CR

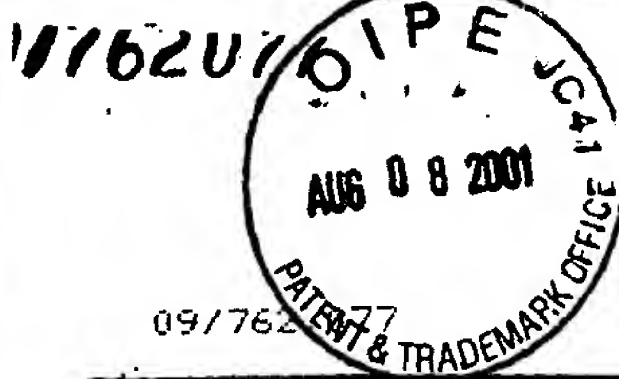
Respectfully submitted,

McDERMOTT, WILL & EMERY

*Jeffrey Miller*

August 8, 2001

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09/76277



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

E 56326

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
	5611	PCT/US99/17338

MARK G LAPPIN  
MCDERMOTT WILL & EMERY  
28 STATE STREET  
BOSTON MA 02109

RECEIVED  
MAR 13 2001

INTERNATIONAL APPLICATION NO.	
LA. FILING DATE	PRIORITY DATE
07/30/99	07/30/98
03/08/01	

DATE MAILED: 08 MAR 2001

MW&amp;E

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventor(s), in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

LAMONT HENDERSON  
Telephone: (703) 305-6686  
Patent Stage Processing

DOCKETED  
PCM

4/18/01 Oath/Decl  
(Final 8/8/01)